

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**PATRICIA T.,**

**Plaintiff,**

**v.**

**5:21-CV-430 (NAM/DEP)**

**COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

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**Appearances:**

Olinsky Law Group  
Andrew Austin Flemming, Esq.  
Howard D. Olinsky, Esq.  
250 South Clinton Street, Suite 210  
Syracuse, NY 13202  
*Attorneys for Plaintiff*

Social Security Administration  
Michael L. Henry, Esq.  
625 JFK Building  
15 New Sudbury Street  
Boston, MA 02203  
*Attorneys for Defendant*

**Hon. Norman A. Mordue, Senior United States District Judge:**

**ORDER**

On April 15, 2021, Plaintiff commenced this action, pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3), to challenge a decision by the Defendant Commissioner of Social Security that she was not disabled and thus ineligible for Supplemental Security Income benefits. (Dkt. No. 1). After briefing by the parties, the matter was referred to United States Magistrate Judge David E. Peebles for the issuance of a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Northern District of New York Local Rule 72.3. (Dkt. No. 18).

On June 15, 2022, Magistrate Judge Peebles issued a thorough and well-reasoned Report and Recommendation, which recommended that: Plaintiff's motion for judgment on the pleadings be granted; Defendant's motion for judgment on the pleading be denied; the Commissioner's decision be vacated; and the matter be remanded for further proceedings. (Dkt. No. 24). Magistrate Judge Peebles advised the parties that, under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the Report and Recommendation and that failure to object within fourteen days would preclude appellate review. (*Id.*, p. 29).

As no objections have been filed and the time for filing objections has expired, the Court reviews the Report and Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); *see also* Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report and Recommendation for clear error and found none, the Court adopts it in its entirety.

For these reasons, it is

**ORDERED** that the Report and Recommendation (Dkt. No. 24) is **ADOPTED**; and it is further

**ORDERED** that Plaintiff's motion for judgment on the pleadings is **GRANTED**; and it is further


**ORDERED** that Defendant's motion for judgment on the pleadings is **DENIED**; and it is further

**ORDERED** that the decision of the Commissioner of Social Security is **REVERSED AND REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for proceedings consistent with the Report and Recommendation and this Order; and it is further

**ORDERED** that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of the Northern District of New York.

**IT IS SO ORDERED.**

Dated: July 28, 2022  
Syracuse, New York

  
Norman A. Mordue  
Senior U.S. District Judge

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